

East Berlin Borough Council

April 4, 2007

President Charles Eisenhart called the meeting to order at 7:30 PM in the Municipal Building. The meeting opened with the Pledge of the Allegiance.

Members Present: President Charles Eisenhart, Janet Bollinger, Forrest Brehm; Gregory Green, Jacque Hoffman, and Gerald Mummert.

Members Absent: Rick Saxon and Julie Swanger, Secretary-Treasurer

Also Present: T. Michael Thoman, Borough Manager; Mayor Keith Hoffman; Solicitor Matthew Battersby; Officer J. Michael Grim; Hanna Furst, Office Secretary; Bruce Hulshizer, Buchart-Horn; Ken Furst, Ken Young, Sally Hoffman, David Richards, Beverly Jodus, Robert Clayton, Al Schindler, Renice & Louise Snoots, Robert Lusk, Paul Lehman, Freda Lennon, Phil & Marie Miller, and Gerald E. & Becky Mummert.

The minutes of the previous meeting were approved with the following corrections:

Mr. Green questioned the wording in Mr. Richards's statement that read: Mr. Richards commented that the Borough has been devoid of where things are going. It was reworded to state: Mr. Richards commented that the Act 537 has been devoid of cost information in his opinion. *On a motion by Gregory Green, seconded by Jacque Hoffman and passed, a correction to March's minutes was approved.*

Mr. Green also presented a correction to the Mayor's Report of the March minutes to read: The Borough Police Department has been given a free lap top computer with the installation fee of \$650 and a \$50 per month wireless cost. *On a motion by Gregory Green, seconded by Forrest Brehm and passed, this correction to March's minutes was approved.*

On a motion by Gregory Green, seconded by Jacque Hoffman and passed, payment of the bills for the month of March was approved.

President Eisenhart reported he has read two articles pertaining to East Berlin. The first article was written by Anne E. Diviney and her 40 mile travel on Route 194 which included stops in the quaint little town of East Berlin. The other article was in a trade magazine Metal Finishing March 2007 issue pertaining to Tucker Industrial Liquid Coatings and its owner Bernie Tucker on his entrepreneurial spirit. President Eisenhart felt this was worth mentioning.

Constituents from the community that wish to address council are as follows with a five (5) minute allotment.

Ken Young, 203 Beaver St., was following up from last month's meeting when he gave a packet to Officer Grim. Mr. Young designed a letter and requested Officer Grim to sign; Mr. Young stated Officer Grim declined to sign and he requested his letter back. He also stated he has called the police phone line at 259-9908 after hours and has gotten no answer. He feels the citizens should be able to call the East Berlin Police Dept. and find out if the officer is available, or be told to call county control non-emergency number. He questions where is the answering service that was stated 3 years ago they were getting. Mr. Young would like the Mayor to report statistics from the police report at the council meetings and the Borough Manager to give a report on general business during the month.

Dave Richards, 202 Beaver St., had some questions on the 2005 audit, concerning the enterprise fund and what it was. President Eisenhart stated the auditors named it that and he would have to ask them where they got it from. Mr. Richards questioned the information about the Capital Reserve Fund, and was told that each fund has their own Capital Reserve Fund. His last question was concerning salaries and was there a specific percentage of each fund that is assigned. The answer was given that 40% comes from General Fund, 30% from Water Fund and 30% from Sewer Fund. Mr. Richards felt that a lot of the work is being done for the Sewer and the rate should change. President Eisenhart stated that when we establish a sewer authority that will be their decision to establish water and sewer rates.

Gerald E. Mummert, 30 Fish & Game Road, has come to this meeting to ask for some help if possible. He stated that the noise from the blowers at Zeigler's Mill is a constant annoyance. Since the fire at Zeigler's

Gardner's plant, they have to do most of their production at this plant now. They run the blowers all night long and turn them off at 5-6 AM, he is getting very little sleep, and it is starting to affect his health. Councilman Gerald L. Mummert questioned if the other Mr. Mummert knew how long they would be on this schedule. Mr. G.E. Mummert was told it would be at least a year. Mr. G.E. Mummert stated that the Borough must have a noise ordinance. President Eisenhart stated that the Borough goes by PA State regulations. Attorney Battersby stated that is an industrial area, and the police department doesn't have equipment to measure the noise level to cite them for a violation of an ordinance; and that you would have to prove your case by scientific measurements, and feels the Borough cannot do anything. Councilman Mummert stated he would talk to Matt Zeigler and see if they can do some rescheduling to alleviate some of the noise.

Robert Lusk, 309 Locust St, is asking the Borough about the cable company rates. He stated in the Gettysburg area Comcast Cable offered them a \$20 basic package. There are many municipalities are taking the cable companies to court. Attorney Battersby was asked to check this out. Mr. Lusk stated that when Comcast Cable took over SusCom they raised the rates and started taking channels away. Attorney Battersby responded that the cable companies and the other media giants have lobbied Congress to loosen the chains of control. He feels this is a federal matter and would have to do a little digging to come up with a solution. The focus is what roll the local government has in all this. Federal law limited the local municipalities to about 5% which is our franchise fees that amount to about \$7,000 a year.

Mayor's Report: Mayor Hoffman thanked the Borough Manager, Mike Thoman for putting the pedestrian cross walk signs out.

Solicitor's Report: Attorney Battersby is seeking the authority to advertise for the next meeting an ordinance: Authorizing the Borough Council of East Berlin to Execute An Intermunicipal Agreement With Hamilton Township Under The Intergovernmental Cooperation Act. *Jacque Hoffman made the motion and Gerald L. Mummert seconded it authorizing Attorney Battersby to advertise. Motion carried.*

Mike Thoman questioned Attorney Battersby if he received the Bond from C.W.Test., his response was that he did not; the only thing he got was an email and he gave it the green light. Mike Thoman stated that they were waiting on an answer. Attorney Battersby will be checking with Andy Miller.

Engineer's Report:

Buchart –Horn- Bruce Hulshizer is still waiting on the Bond to proceed with the plans for the Sewer Plant.

COMMITTEE REPORTS:

Finance Committee: Gregory Green has several things to report, first being the independent audit report for 2006 which was conducted by Stambaugh-Ness, PC; which he read so that it would be included in the minutes. It states: We have audited the accompanying Commonwealth of Pennsylvania's Municipal Annual Audit and Financial Report (Form DCED-CLGS-30) of East Berlin Borough, PA, as of, and for the year ended, December 31, 2006. This financial report is the responsibility of the Borough's management. Our responsibility is to express an opinion on this financial report bases on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the USA. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether this financial report is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts in this report. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial report presentation. We believe our audit provides a reasonable basis for our opinion.

The Borough has prepared these financial reports using the accounting practices permitted by the Commonwealth of PA and the Dept of Community & Economic Development, which practices differ from accounting principles generally accepted in the USA. The effects on the financial statement of the variances between these regulatory accounting practices and accounting principles generally accepted in the USA, although not reasonable determinable are presumed to be material.

The Borough's policy is to prepare its financial report on the cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles. Certain revenues and the related assets are recognized when received rather than when earned and certain expenses are recognized when paid rather than when a liability is incurred.

The Borough does not include the general fixed asset account group, and does not capitalize or depreciate fixed assets in proprietary funds. The general fixed assets account group, and fixed assets in proprietary funds are

included in the financial reports of the Commonwealth of PA's DCED-CLGS-30 report. The amount that should be recorded in the general fixed asset account group and in proprietary funds are not known.

In our opinion, because of the effects of the matter discussed in paragraph 3, the financial report referred to above does not present fairly, in conformity with accounting principles generally accepted in the USA, the financial position of East Berlin Borough, PA as of Dec 31, 2006, and the changes in cash position for the year then ended. In our opinion, except for the effects on the financial report of the omission of the general fixed assets account group, not capitalizing or depreciating fixed assets in proprietary funds, the financial report referred to in the first paragraph presents fairly, in all material respects, the cash and unencumbered cash balances of East Berlin Borough, PA, as of Dec 31, 2006, and the revenues it received and expenditures it paid for the year then ended, on the cash basis of accounting.

The 2nd item up for discussion is the lap top computer for the police dept. Mr. Green made a motion to accept the lap top computer; the motion was seconded by Ms. Bollinger with a discussion following. Jacque Hoffman mentioned the expense was too much for what it would be used for. President Eisenhart mentioned that there is already a lap top in the police office for years, but did acknowledge that there is different software on the new one. Officer Mike Grim stated the old lap top in the office is not compatible with Adams County Control to run license numbers, registration, and all kinds of research; and be out on the street more and out of the office; that is the only real gain. President Eisenhart stated the fines for the year 2006 only brought in \$345, and the cost of the new lap top is \$650 plus the \$50 a month charge which the cost would be \$1250. Gerald L. Mummert mentioned that the other computers in the borough office get upgraded, so why not upgrade the police computer. Officer Grim stated the Borough is one square mile and it does take that long to come back to the office to get the information. He doesn't have problem with it one way or the other, he questioned whether it would be beneficial, and he couldn't really tell you. Officer Grim stated he personally prefers not to be on the computer when you are making a vehicle stop and wants county control personnel who are sitting in a safe place to run the information so that he can keep his eyes on what could happen. He also stated the Borough is responsible for the upkeep of the computer. Jacque Hoffman felt the lap top computers are for bigger police departments. ***The motion was defeated.*** Officer Grim stated he would return the computer to Adams County Control.

Streets Committee: Councilman Brehm thanked Borough Manager Mike Thoman for the good job he did on the street sweeping.

Jacque Hoffman made a motion to amend the Street Ordinance so that a "No truck" sign can be put at the corner of Harrisburg and North Avenue to Third Street. Gregory Green seconded the motion. A discussion centered on the tractor trailers using North Avenue, where there barely room for two cars to pass safely. *Motion was carried.* Gerald L. Mummert made a motion and Jacque Hoffman seconded it, to put signs on Beaver Street stating "No Trucks, Except Local Delivery Only". After no more discussion it was decided to amend the Street Ordinance to combine the two motions to read for Beaver Street, No Trucks Except for Local Delivery and North Avenue, No Trucks on North Avenue from Harrisburg Street to Third Street. *Motion Carried.* Also mentioned was that the Borough Manager would contact Hamilton Township about placing a sign on their part of Beaver Street, so the trucks will know before they turn onto Beaver Street.

President Eisenhart suggested the Street Committee should meet to make up a schedule for sidewalks that need to be done; they should meet at their convenience.

Sewer & Water Committee: Chapter 94 report was submitted.

IT Committee: Nothing

Public Safety: Janet Bollinger questioned the Mayor on whether he got to talk Mr. Coxen at Pennwood, or to Jeannie Jacobs. The Mayor stated he did get to Pennwood and would be sending Officer Grim to see Jeanie Jacobs. Ms. Bollinger also mentioned she was told about three (3) others that are riding their motorized carts on the streets.

Planning & Zoning: President Eisenhart read a letter stating there were no zoning hearings for the year 2006. President Eisenhart re-appointed Bradley Clauser as Chairman, Zoning Hearing Board with his term to end January 31, 2008; Joann Van Scyoc with her term to end December 31, 2009; Kathy Kuhn with her term to end January 31, 2010 and Noelle Kline as alternate with her term to end December 21, 2010. A motion was made by Mr. Brehm and seconded by Ms. Bollinger to approve this appointment. *Motion carried.*

An additional meeting of the Zoning Hearing Board is scheduled for Rutter's Farm Store for Tuesday April 10, 2007 at the Borough Hall at 7:00 PM.

Personnel: Mr. Jacque Hoffman commented that people are letting him know they are seeing the fellows out working and getting things done in the street. He asked the Borough Manager to pass this on to the guys that they are doing a good job.

Parks & Recreation: President Eisenhart read a letter from DCNR stating the park project has been approved for a grant in the amount of \$100,000. Gerald L. Mummert wanted to let the people know that the Park & Rec. Fund is up over \$130,000 with donations. He also stated they are hoping for ground breaking this year.

Unfinished Business:

New Business: President Eisenhart informed the council that the Office Manager Hanna Furst attended a workshop on the 2010 census.

Borough Manger, Mike Thoman thanked the Borough Council for the planter that was sent for the death of his mother in law.

Correspondence: None

President Eisenhart adjourned the meeting at 8:32 PM. The next regular meeting will be held Wednesday, May 2, 2007, at 7:30 PM, in the Municipal Building.

Respectfully submitted,
Hannelore Furst, Acting Secretary